



Docket No. 4757-4142US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Darryl C. Stein; et. al.

Group Art Unit: 3724

Serial No.: 10/631,035

Examiner: Carolyn T. Blake

Filed: July 28, 2003

For: APPARATUS AND METHOD FOR CUTTING SHEET-TYPE WORK MATERIAL
USING A BLADE RECIPROCATED VIA A TUNED RESONATOR

EXPRESS MAIL CERTIFICATE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EV 622 478 690US

Date of Deposit: March 30, 2005

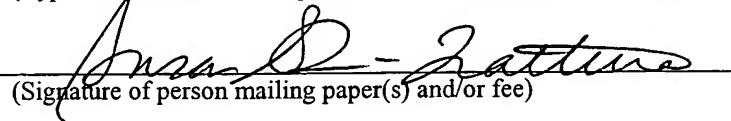
I hereby certify that the following attached paper(s) and/or fee

1. Response to Election Requirement;
2. Return postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Shen-Frattura

(Typed or printed name of person mailing papers(s) and/or fee)


(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile

MAR 3 1 2005

Docket No. 4757-4142US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Darryl C. Stein; et. al.

Serial No. : 10/631,035

Group Art Unit: 3724

Filed : July 28, 2003

Examiner: Carolyn T. Blake

For : **APPARATUS AND METHOD FOR CUTTING SHEET-TYPE
WORK MATERIAL USING A BLADE RECIPROCATED VIA A
TUNED RESONATOR**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In response to the Official Action due April 1, 2005 requiring an election of species, Applicant respectfully submits the following response.

I. The Examiner's Election Requirement

The Examiner has noted that this application contains claims directed to the following:

A. Claims 1-16

B. Claims 17-18

The Examiner has further restricted the drawings into three groups:

I) Figs 1-2

II) Fig. 3 and

III) Fig. 4.

Accordingly, the Examiner has required Applicants to elect a single disclosed species for prosecution. No claims were noted by the Examiner as being generic.

II. Applicants' Election of Species

Applicants respectfully disagree that the Examiner's requirement is proper. However, in order to facilitate prosecution and to avoid a holding of non-responsiveness in this application, applicants elect with traverse to pursue prosecution of **Claims 1-16 and Figures 1-2**.

Should any of these claims be found generic and allowed, it is noted that the Applicant is entitled to a reasonable number of species. The Examiner is respectfully requested to reconsider this election requirement if such a claim is found. In the event that the Examiner does not withdraw the requirement, Applicants expressly reserve the right to timely file a divisional application directed to the non-elected subject matter.

III. Applicants' Traversal

This election is made with traverse. Applicants respectfully submit that: (1) all groups of claims are properly presented in the same application; (2) undue diverse searching should not be required since all the claims are in the same class; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and should be examined together to expedite the patent processes in accordance with U.S. Patent and Trademark Office Business Goals and an action on the merits of all the claims is respectfully solicited.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned attorney.

AUTHORIZATION

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account **13-4500**, Order No. **4757-4142US1**, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Date: March 30, 2005

By: 

Keith J. McWha
Registration No. 44,235

Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
Telephone: 212-415-8700
Facsimile: 212-415-8701